

DT07 Rec'd PCT/PTO 1 3 DEC 2004

PTO/SB/17p (11-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FEE Under 37 CFR 1.17(f), (g) & (h) TRANSMITTAL (Fees are subject to annual revision)	
Application Number	10/508,966
Filing Date	September 24, 2004
First Named Inventor	Andrew FORBES
Art Unit	Not yet assigned
Examiner Name	Not yet assigned
Attorney Docket Number	424662008900

Send completed form to:
MS Post Issue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Enclosed is a petition filed under 37 CFR 1.47(a) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees).

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 03-1952 :

☒ Petition fee under 37 CFR 1.17(f), (g) or (h) ☒ Any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ _____ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.53(e) – to accord a filing date.
- § 1.57(a) – to accord a filing date.
- § 1.182 – for decision on a question not specifically provided for.
- § 1.183 – to suspend the rules.
- § 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

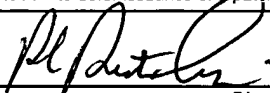
For petitions filed under:

- § 1.12 – for access to an assignment record.
- § 1.14 – for access to an application.
- § 1.47 – for filing by other than all the inventors or a person not the inventor.
- § 1.59 – for expungement of information.
- § 1.103(a) – to suspend action in an application.
- § 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 – for review of refusal to publish a statutory invention.
- § 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) – for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 – for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 – for expedited handling of a foreign filing license.
- § 5.15 – for changing the scope of a license.
- § 5.25 – for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) – to request documents in a form other than that provided in this part.
- § 1.84 – for accepting color drawings or photographs.
- § 1.91 – for entry of a model or exhibit.
- § 1.102(d) – to make an application special.
- § 1.138(c) – to expressly abandon an application to avoid publication.
- § 1.313 – to withdraw an application from issue.
- § 1.314 – to defer issuance of a patent.



Signature

December 13, 2004

Date

Barry E. Bretschneider

Typed or printed name

28,055

Registration No., if applicable

BEST AVAILABLE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



the application of:

Andrew FORBES et al.

Serial No.: 10/508,966

Filing Date: September 24, 2004

For: REFRIGERATING APPARATUS

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

PETITION UNDER 37 CFR 1.47(a)

RECEIVED

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

21 DEC 2004

Legal Staff
International Division

Sir:

Applicants Andrew Forbes and Mark Philip Taylor respectfully petition pursuant to 37 CFR 1.47(a) that they and their assignee, Dyson Limited, be permitted to prosecute this application in the absence of joint inventor Steve C. J. Parker. The Commissioner is authorized to charge the necessary fee for consideration of this petition, including the surcharge for filing a deferred declaration and the fee for this petition to Deposit Account No. 03-1952, Ref. 424662008900. A Fee Transmittal sheet is attached in duplicate. Applicants also submit for recordation, along with the appropriate recordation cover sheet, an assignment to Dyson Limited of the invention of this application from joint inventors Andrew Forbes and Mark Philip Taylor. Applicants have not yet received a Notification of Missing Requirements and so do not attach a copy of such a Notification.

In support of this petition, applicants submit the following documents:

12/14/2004 CNGUYEN 00000050 031952 10508966
01 FC:1463 200.00 DA
va-86929

- (a) An application declaration signed by joint inventors Forbes and Taylor;
- (b) An application declaration signed on behalf of non-joining inventor Steve C. J. Parker;
- (c) The declaration of Janet Smith attesting to the circumstances of joint inventor Parker's refusal to execute the declaration for this application; and
- (d) The declaration of Gillian Ruth Smith attesting to the proprietary interest of Dyson Limited in this application giving rise to its standing to file this petition.

The declarations submitted herewith demonstrate that joint inventor Parker was given a copy of the application as it was to be filed and the necessary declaration to execute, that joint inventor Parker refused to execute the declaration repeatedly when requested to do so and that Dyson Limited, the assignee of this application, has the proprietary interest necessary to prosecute this application to the exclusion of the inventors. The assignment of the invention from joint inventors Forbes and Taylor also confirms the proprietary interest of assignee Dyson Limited. Applicants also note, as established by the declaration of Gillian Ruth Smith, that joint inventor Parker was not justified under the terms of his employment with the predecessor of Dyson Limited to impose conditions such as the payment of a fee for his time on his execution of the declaration for this application.

The last known address of joint inventor Parker is:

Dr. Steve C. J. Parker
39 Meadgate
Emersons Green
Bristol BS16 7AZ
United Kingdom

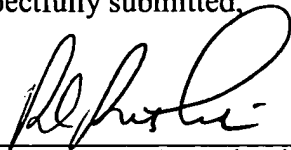
Applicants respectfully request that this petition be granted and that the Office direct that this application may be prosecuted under 37 CFR 1.47(a) without the execution of joint inventor Parker. If the Office requires more information, kindly contact the undersigned attorney.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition

for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 424662008900.

Dated: December 13, 2004

Respectfully submitted,

By: 
Barry E. Bretschneider
Registration No. 28,055

Morrison & Foerster LLP
1650 Tysons Boulevard
Suite 300
McLean, Virginia 22102
Telephone: (703) 760-7743
Facsimile: (703) 760-7777



PATENT
Docket No.
Client Ref. USP0218

DECLARATION FOR UTILITY PATENT APPLICATION

AS A BELOW-NAMED INVENTORS, WE HEREBY DECLARE THAT:

Our residence, post office address, and citizenships are as stated below next to our names.

We believe we are the original, first and **sole** inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: **REFRIGERATING APPARATUS**, the specification of which is attached hereto unless the following box is checked:

☒ was filed on **20th March 2003** as **PCT/GB03/01327** and was amended on 3rd June 2004 (if applicable).

WE HEREBY STATE THAT WE HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

We acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing(dd/mm/yy)	Priority Claimed?
0207183.5	GB	27 March 2002	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
ONLY CIP APPLICATIONS		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

We hereby appoint:

All practitioners at Customer Number 25227.

all of **Morrison & Foerster LLP**, 1650 Tysons Blvd, Suite 300, McLean, Virginia 22102, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

and:

Please mail all correspondence to:

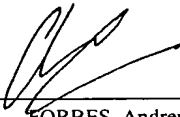
Barry E. Bretschneider
Morrison & Foerster LLP
1650 Tysons Blvd, Suite 300
McLean, Virginia 22102

Please direct telephone calls to: Barry E. Bretschneider at (703) 760-7743.

Please direct facsimiles to: (703) 760-7777.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

22nd OCTOBER
Date 2004



Name: FORBES, Andrew
Residence: Caldicot, Monmouthshire, Great Britain
Citizenship: British
Post Office Address: 26 Leechpool Holdings, Portskewett, Caldicot, Monmouthshire
NP26 5UA, Great Britain

Date
Name: TAYLOR, Mark Philip
Residence: Bristol, Great Britain
Citizenship: British
Post Office Address: 12 Sunnyside, Stoke Bishop, Bristol, Avon BS9 1BQ, Great Britain

Date

Name: PARKER, Stephen C J
Residence: Bristol, Great Britain
Citizenship: British
Post Office Address: 39 Meadgate, Emersons Green, Bristol, Avon BS16 7AZ, Great Britain



PATENT
Docket No.
Client Ref. USP0218

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We hereby appoint:

All practitioners at Customer Number 25227.

all of **Morrison & Foerster LLP**, 1650 Tysons Blvd, Suite 300, McLean, Virginia 22102, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

and:

Please mail all correspondence to:

Barry E. Bretschneider
Morrison & Foerster LLP
1650 Tysons Blvd, Suite 300
McLean, Virginia 22102

Please direct telephone calls to: Barry E. Bretschneider at (703) 760-7743.

Please direct facsimiles to: (703) 760-7777.


We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date

Name: FORBES, Andrew
Residence: Caldicot, Monmouthshire, Great Britain
Citizenship: British
Post Office Address: 26 Leechpool Holdings, Portskewett, Caldicot, Monmouthshire
NP26 5UA, Great Britain

11.10.04

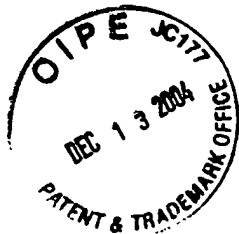
Date


Name: TAYLOR, Mark Philip
Residence: Bristol, Great Britain
Citizenship: British
Post Office Address: 12 Sunnyside, Stoke Bishop, Bristol, Avon BS9 1BQ, Great Britain

Date

Name: PARKER, Stephen C J
Residence: Bristol, Great Britain
Citizenship: British
Post Office Address: 39 Meadgate, Emersons Green, Bristol, Avon BS16 7AZ, Great Britain

PATENT
Docket No.
Client Ref. USP0218



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We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Residence: Caldicot, Monmouthshire, Great Britain
Citizenship: British
Post Office Address: 26 Leachpool Holdings, Portskewett, Caldicot, Monmouthshire
NP26 5UA, Great Britain

Date

Name: TAYLOR, Mark Philip
Residence: Bristol, Great Britain
Citizenship: British
Post Office Address: 12 Sunnyside, Stoke Bishop, Bristol, Avon BS9 1BQ, Great Britain

6/12/04

Date

Steve C J Parker 

Name: ~~PARKER, Stephen CJ~~ **STEVE C J**
Residence: Bristol, Great Britain
Citizenship: British
Post Office Address: 39 Meadgate, Emersons Green, Bristol, Avon BS16 7AZ, Great Britain

PATENT
Docket No. 42466-20089.00



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Andrew FORBES, Mark Philip TAYLOR &
Steve C J PARKER

Serial No.: 10/508,966

Filing Date: September 24, 2004

For: REFRIGERATING APPARATUS

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

DECLARATION OF JANET SMITH UNDER 37 CFR 1.47(b)

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

I, Janet Smith, declare under penalty of perjury under the laws of the United States of America as follows:

1. I am the IP Records Officer of Dyson Technology Limited, the owner of this application. My duties include securing the signatures of inventors to declarations for United States patent applications.

2. By a letter dated September 16, 2004, I sent Dr. Parker, one of the inventors on this application, a copy of the specification as it was to be filed in the United States (and as it actually turned out to be filed), along with a declaration for his signature. A true copy of this letter is attached as Exhibit A.

3. I received a response letter dated September 19, 2004, pointing out an error on my part in Dr. Parker's first name on the Declaration, which should have been Steve and not Stephen, and also asking for a fee of £35. A copy of the September 19, 2004 letter is attached as Exhibit B.

4. On September 24, 2004, Gill Smith, Head of Intellectual Property wrote to Dr. Parker apologising for the error made with his first name, and requesting the return of the forms as soon as conveniently possible. A copy of the September 24, 2004 letter is attached as Exhibit C.

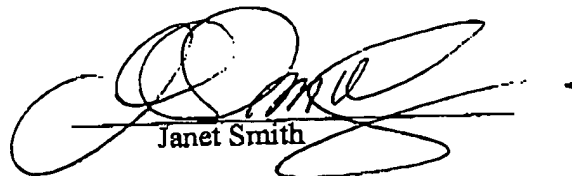
5. On September 29, 2004, Dr. Parker wrote to our Chairman, James Dyson, requesting that Gill Smith respond to him more professionally and pay him the requested fee. A copy of the September 29, 2004 letter is attached as Exhibit D.

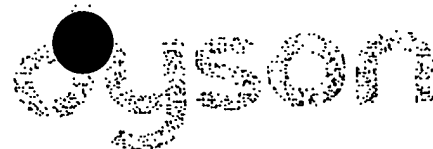
6. On October 11, 2004, Gill Smith responded to Dr. Parker's letter to James Dyson. A copy of this letter is attached as Exhibit E.

7. Gill Smith received no response to her October 11, 2004 letter, so sent a follow up letter on November 15, 2004, asking Dr. Parker as to whether or not he was willing to sign the said papers. A copy of the November 15, 2004 letters is attached as Exhibit F.

8. On November 21, 2004, Dr. Parker wrote to Gill Smith requesting the outstanding fee, now £40, before he would sign the documents. A copy of the November 21, 2004 letter is attached as Exhibit G.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed at Malmesbury, Wiltshire, England, this 7th day of December, 2004.


Janet Smith



Mr Steve Parker
39 Meadgate
Emersons Green
Bristol BS16 7AZ

Writer's Direct Contact
Tel: +44 (0) 1666 828459
Fax: +44 (0) 1666 828164

16th September, 2004

Dear Steve,

Re: Patent Applications "Rapid Chill"
Our Case CA/USP0218

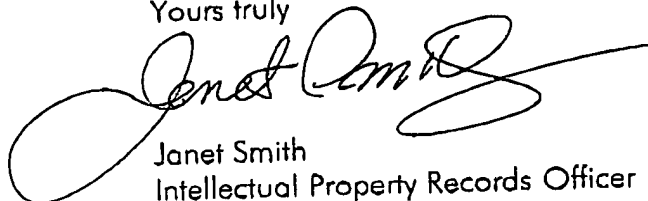
We have recently filed applications abroad on the "Rapid Chill" invention and require the enclosed Declaration/Power of Attorney and Assignments for the USA and Canada to be signed.

Please review the enclosed specification and claims (as required by the Declaration), and if you are happy that everything is in order, sign and date all the forms where indicated (in the presence of a witness for the Canadian Assignment), and return in the stamped addressed envelope provided. There is no need to return the specification and claims.

If there are any changes to your personal details, please amend and initial each amendment.

We would appreciate the return of these documents at your earliest convenience.

Yours truly


Janet Smith
Intellectual Property Records Officer

DYSON LIMITED
TELBURY HILL
MALMESBURY
WILTSHIRE
ENGLAND
SN16 0RP

TEL 01666 827200
FAX 01666 827209

HELPLINE TEL 08700 273104
FAX 08700 060039

19 September 2004

Ms J. Smith
IP Department
Dyson Ltd
Tetbury Hill
Malmesbury
Wilts SN16 ORP

DR S.C.J. Parker
39 Meadgate
Emersons Green
Bristol BS16 7AZ
United Kingdom

Dear Ms Smith,

Re: International Filing of 'Rapid Chill' Patent

Thank you for your letter of 16th September 2004 regarding the 'rapid chill' patent.

A cursory examination of the paperwork leaves me somewhat bewildered. I notice that you have my Christian name incorrect (I was christened Steve), as was pointed out to your department in previous correspondence with Ms Hutchins on 20 March 2003. It beggars belief that you have not permanently amended your records in this respect; and it is amazing considering that I worked for Dyson Ltd for nearly two years.

In the covering letter, you request that I review the specification and claims. I am happy to sign a corrected patent application, in line with my original contract with Dyson, but I feel that the checking of this document will take more than a reasonable time. I would therefore like a professional fee of £35, to be paid by cheque.

I hope that you feel that, in this exceptional circumstance, the payment is fair. I look forward to hearing from you.

Yours sincerely,



Dr S.C.J. Parker

Writer's Direct Contact
Tel: +44 (0) 1666 827268
Fax: +44 (0) 1666 828164

Dr SCJ Parker
39 Meadgate
Emersons Green
Bristol
BS16 7AZ

24th September, 2004

Dear Steve

Re: US and Canadian Patent Applications for "Rapid Chill"
Our Ref: US/CA P0218

Janet has passed to me your letter dated 19th September which responded to her letter asking you to sign the documents supporting the US and Canadian applications for the "Rapid Chill" invention.

I am sorry that you have had cause to berate us yet again for reciting your name incorrectly. Naturally, I was aware that we had previously made a mistake in assuming that your full name was Stephen rather than Steve. I can assure you that our records were indeed correct. Unfortunately, Sally Hutchings, who was also aware of the position, died as the result of an epileptic seizure about a year ago. Her replacement, Janet Smith, was unaware of the position and thought she was correcting an error in our records when she incorrectly lengthened your name. I hope you will feel able to accept that this is an understandable mistake.

I also see that you are concerned about the amount of time which you would need to spend checking the amended patent application. If it helps you, only those pages marked as amended pages have changed in any way at all. Indeed, the changes are very minor. To be more specific, only Claims 1 and 15 have changed significantly. Claim 12 has been deleted and the other claims remain unchanged except for their numbering. On page 2, the recitations of the main claims have been brought into line with the amendments.

Continued...

DYSON LIMITED
TELBURY HILL
MAELLESBURY
WILTSHIRE
ENGLAND
SN16 0RP

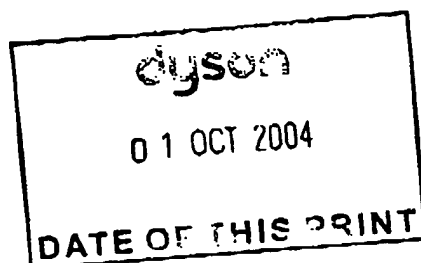
TEL 01666 827200
FAX 01666 827299

HELPLINE TEL 08705 273104
FAX 08706 060029

29 September 2004

Sir James Dyson
Dyson Ltd
Tetbury Hill
Malmesbury
Wilts SN16 0RP

S.C.J. Parker
39 Meadgate
Emersons Green
Bristol BS16 7AZ
United Kingdom



Dear Sir,

Re: US and Canadian Patent Application for Rapid Chill US/CA P0218

Regrettably, I have found it necessary to write to you following the unsatisfactory communication I have experienced with your manager of Intellectual Property, Ms Gill Smith. On 24 September 2004, her colleague Janet Smith wrote to me requesting that I review and sign the patent application US/CA P0218. This patent relates to the Rapid Chill invention, of which I was the sole inventor during my employment with Dyson Research Ltd approximately four years ago. In my reply to Janet, I agreed to sign the application, in line with my contractual obligation, but asked for my name to be corrected and requested a professional fee of £35 to cover my time. I was subsequently bewildered to receive a patronizing and unprofessional response from Gill Smith (please see attached letter). Her letter revealed the personal medical details regarding the death of her colleague, which she has seemingly used to berate me.

Before I joined your company, I had an inventor's dream to make my mark in innovating consumer products, which was similar to the passion you describe in your book. It now seems ironic that your company appears to be treating people in a similar manner to how you were treated yourself, when approaching companies like Hoover with your initial concept. I believe that my cyclonic rapid chill invention, which cools a bottle of wine in two or three minutes, while being perfectly aligned to your successful product base, could make you as large a fortune as your original cyclone idea. However, for my considerable help in developing your company's portfolio of potential products, your company rewarded me by derailing my previously outstanding professional career. It has taken me three years to re-establish myself, which has been the source of considerable personal and domestic stress.

I would now like to move on, by putting the Dyson experience firmly behind me. I would, therefore, be very grateful if you could advise Ms Smith to respond more professionally to me; and pay me the negligible fee for my time. I will then be delighted to review and sign the patent application.

Yours sincerely,

A handwritten signature in cursive script, reading 'Dr Steve Parker'.

Dr Steve Parker



Writer's Direct Contact
Tel: +44 (0) 1666 827268
Fax: +44 (0) 1666 828164

Dr S.C.J. Parker
39 Meadgate
Emersons Green
Bristol
BS16 7AZ

11th October, 2004

Dear Steve

Re: US and Canadian Patent Applications for "Rapid Chill"
Our Ref: US/CA P0218

Your letter dated 29th September to James has been passed to me for a response.

Firstly, if you felt that my letter of 24th September was "patronizing and unprofessional", I apologize. This was never my intention. My intention was simply to explain how we had managed to get your name wrong for the second time. There were extraordinary circumstances.

On the matter of paying you to sign these forms, I have considered this carefully and I think that your request is unjustified. You voluntarily agreed to sign paperwork for patent applications by signing your employment contract when you joined this company. Furthermore, just before you left, we had a detailed discussion during which you assured me that you understood and would meet your obligations in that respect. Indeed, the words you used in your email to me were that you had "no desire to be obstructive".

On that basis, I am now asking you to review the four pages I have identified, to sign the papers where indicated, and to return them to me or Janet. We have already sent you a stamped, addressed envelope to use. If you will not do so, please confirm this in writing and we will just have to deal with these applications in the best way possible.

Yours sincerely

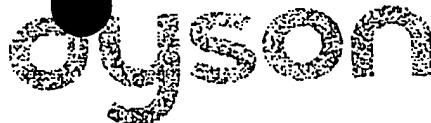
Gill Smith
Head of Intellectual Property

cc. James Dyson

DYSON LIMITED
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SN16 0XP

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The Dyson logo, featuring the word "dyson" in a stylized, lowercase, sans-serif font. The letters are bold and have a slightly textured appearance.

Writer's Direct Contact
Tel: +44 (0) 1666 827268
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Dr. S.C.J. Parker
39 Meadgate
Emersons Green
Bristol
BS16 7AZ

15th November, 2004

Dear Steve,

Re: **US and Canadian Patent Applications for "Rapid Chill"**
Our Ref: **US/CA P0218**

Further to my letter dated 11th October regarding the signing of the US and Canadian patent forms. I would appreciate it if you would kindly let me know whether or not you are willing to sign the said papers.

Yours sincerely

A handwritten signature in black ink, appearing to read "Gill".

Gill Smith
Head of Intellectual Property

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WILTSHIRE
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21 November 2004

RECEIVED

Ms G. Smith
Dyson Ltd
Tetbury Hill
Malmesbury
Wilts SN16 ORP

DR S.C.J. Parker
39 Meadgate
Emersons Green
Bristol BS16 7AZ
United Kingdom

Dear Ms Smith,

Re: International Filing of 'Rapid Chill' Patent, Your Ref. US/CA P0218

Thank you for your letter of 15 November 2004 asking me whether or not I am prepared to sign the US and Canadian forms.

I restate that at no point have I been unwilling to sign any patent forms that you have sent me. All I ask is that you pay me for my time to read over the forms and deal with related correspondence. My outstanding fee for dealing with these forms is now £40 (£35 for reading over the forms and for previous correspondence; and £5 for this letter). I have consulted with our patent agents and they say that this request is completely reasonable and they cannot understand your problem.

Please do not waste my time any further. I have made it perfectly clear that I am not being obstructive; I simply want you to pay for my time, as any professional would expect.

Yours sincerely,



Dr S.C.J. Parker

PATENT
Docket No. 424662008200

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In the application of:

Andrew FORBES, Mark Philip TAYLOR &
Steve C J PARKER

Serial No.: 10/508,966

Filing Date: September 24, 2004

For: REFRIGERATING APPARATUS

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

DECLARATION OF GILLIAN RUTH SMITH UNDER 37 CFR 1.47(b)

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

I, Gillian Ruth Smith, declare under penalty of perjury under the laws of the United States of America as follows:

1. I am the Head of Intellectual Property of Dyson Technology Limited, the beneficial owner of this application. I am responsible for the filing and prosecution of patent applications owned by Dyson Technology Limited. I am a fully qualified UK and European Patent Attorney.
2. The invention described in this application was made by Steve Carl Jamieson Parker, Andrew Forbes and Mark Philip Taylor during 2000. Dr. Parker left the company before the UK application was filed.
3. Dr. Parker was employed by Dyson Research Limited from January 4, 1999 until his departure in September 2000. At the time that the invention was made, I confirm that Dr. Parker

was employed by Dyson Research Limited. His job title at that time was "Senior R&D Scientist", the term "R&D" standing for "Research and Development". I have reviewed the relevant contract of employment and company information in order to confirm these facts. I confirm that, by virtue of his contract of employment, Dr. Parker agreed to sign, on request by the company, any and all forms, declarations or other papers necessary to prosecute patent applications in respect of which he was named as an inventor. This obligation continued after the termination of the employment contract.

4. By virtue of his contract of employment, any invention made by Dr. Parker during his employment and in the course of his normal duties belonged to his employer. I confirm that the invention described in this application was made in the course of Dr. Parker's normal duties as a senior research and development scientist and thus belonged initially to Dyson Research Limited. However, the entire business and assets of Dyson Research Limited were assigned to Dyson Limited on 1st January 2001. The UK priority application was thus properly filed in the name of Dyson Limited, as was the PCT application from which this application emanates.

5. On July 30, 2004, the PCT application from which this application emanates was assigned from Dyson Limited to Dyson Technology Limited, another company within the Dyson Group.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed at Malmesbury, Wiltshire, England, this 6th day of December, 2004.


Gillian Ruth Smith

RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof

1. Name of conveying party(ies):

- 1) Andrew FORBES
2) Mark Philip TAYLOR

Additional name(s) of conveying party(ies) attached?

☐

Yes

☒

No

3. Nature of Conveyance:

☒

Assignment

☐

Merger

☐

Security Agreement

☐

Change of Name

☐

Other

Execution Date: 1) October 22, 2004
2) October 11, 2004

2. Name and address of receiving party(ies)

Name: Dyson Limited

Internal Address: _____

Street Address:

Tetbury Hill, MalmesburyCity: WiltshireCountry: United KingdomZip: SN16 ORP

Additional name(s) & address(es) attached:

☐

Yes

☒

No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the new application is: _____

A. Patent Application No.(s):

10/508,966

B. Patent No.(s): _____

Additional numbers attached?

☐

Yes

☒

No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Barry E. BretschneiderMORRISON & FOERSTER LLPInternal Address: Atty. Dkt.:424662008900

Street Address:

1650 Tysons Blvd, Suite 300

City:

McLean

State:

VA

Zip:

22102

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41)

\$ 40.00☐

Enclosed

☒

Authorized to be charged to deposit account

☐

Authorized to be charged to credit card

(Form 2038 enclosed)

8. Deposit account number:

03-1952

(Attach duplicate copy of this page if paying by deposit account)

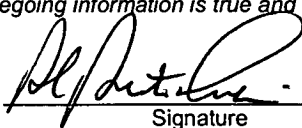
DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Barry E. Bretschneider - 28,055

Name of Person Signing



Signature

December 13, 2004

Date

Total number of pages including cover sheet, attachments, and documents: 5

MORRISON & FOERSTER LLP

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned hereby assign(s), transfer(s) and set(s) over to:

DYSON LIMITED

Tetbury Hill, Malmesbury,
Wiltshire SN16 0RP, United Kingdom



(hereinafter designated as the "ASSIGNEE"), its successors and assigns, the entire right, title, and interest for the United States in the invention, and all applications for patent and any Letters Patent which may be granted therefor, including said application, and all United States Letters Patent which may be granted thereof, and all divisions, reissues, continuations and extensions thereof, the said interest being the entire ownership of said Letters Patent when granted to be held by said ASSIGNEE, its successors, assigns or their legal representatives, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been and enjoyed by Assignor(s) if this assignment had not been made, the application being known by the title:

REFRIGERATING APPARATUS

Attorney Docket No.:

for which the undersigned has/have executed an application for patent in the United States of America on the same day herewith. Where this instrument is not filed concurrently with the application, the following identifying information may be added after execution:

Serial No.:

Filing Date:

1. The undersigned hereby agree(s) to sign and execute any further documents and instruments which may be necessary, lawful and proper in the prosecution of said above-named application or in the preparation and prosecution of any continuing, continuation-in-part, substitute, divisional, renewal, reexamination or reissue application or in any amendments, extension of interference proceedings, or otherwise to secure the title thereto to the ASSIGNEE.

2. The undersigned agree(s) to execute all papers and documents and perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property of similar agreements.

3. The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States patent to the ASSIGNEE.

4. The undersigned hereby authorize(s) and request(s) the Commissioner of Patents in the United States to issue any and all Letters Patent resulting from said application or any division or divisions or continuing applications thereof to the said ASSIGNEE.

5. The undersigned hereby grant(s) to the firm of Morrison & Foerster LLP the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREBY, executed by the undersigned on the date(s) opposite the undersigned name(s).

22/10/2004

Date



Typed Name: Andrew FORBES

Date

Typed Name: Mark Philip TAYLOR

Date

Typed Name: Stephen C J PARKER

MORRISON & FOERSTER LLP

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned hereby assign(s), transfer(s) and set(s) over to:

DYSON LIMITED

Tetbury Hill, Malmesbury,
Wiltshire SN16 0RP, United Kingdom

(hereinafter designated as the "ASSIGNEE"), its successors and assigns, the entire right, title, and interest for the United States in the invention, and all applications for patent and any Letters Patent which may be granted therefor, including said application, and all United States Letters Patent which may be granted thereof, and all divisions, reissues, continuations and extensions thereof, the said interest being the entire ownership of said Letters Patent when granted to be held by said ASSIGNEE, its successors, assigns or their legal representatives, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been and enjoyed by Assignor(s) if this assignment had not been made, the application being known by the title:

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Attorney Docket No.:

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IN WITNESS WHEREBY, executed by the undersigned on the date(s) opposite the undersigned name(s).

Date

Typed Name: Andrew FORBES

11th October 2004

Date

M. P. Taylor

Typed Name: Mark Philip TAYLOR

Date

Typed Name: Stephen C J PARKER

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